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APPLICATION NO.	FI	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,528	1	2/12/2003	Michael J. Douglas	64180-195000	9712
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Joy Ann G. Serauskas McDermott, Will & Emery				TRAN. THAO T	
227 West Mon				ART UNIT	PAPER NUMBER
Chicago, IL 6	60606-50	096		- 1711	

DATE MAILED: 10/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

1) Responsive to communication(s) filed on			Application No.	Applicant(s)			
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILKING DATE of THIS COMMUNICATION 136(a). In no evert, however, may a reply be timply filed and State 1 flower may be expected and become and the second of the provided of th			10/734,528	DOUGLAS ET AL.			
The MALING DATE of this communication appears on the cover sheet with the correspondence address—Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION.  Extendinot for time may be smalled used the provision of 37 CFR 1.136(d). In one event, however, may a may be limited fined.  If the period for may be specified above a lives ben for more than 100 to		Office Action Summary	Examiner	Art Unit			
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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Estimates of the may be available under the provisions of 37 CFR 1.13(6), in no event, however, may a reply be timely filed  If the period for reply specified above is less than thisy (20) stays, a reply within the statutory missimum of thisy (20) stays at the considered femaly.  If the period for reply specified above is less than thisy (20) stays, a reply within the statutory missimum of thisy (20) stays, a reply within the period for reply specified for reply specified for reply specified for reply specified above, the maximum statutory proved unlaphy and will exert Six (8) pMXITIS from the making date of this communication of reply specified for reply vellen to such a specified for reply vellen to see a specified for reply vellen to be seen a specified for reply vellen the see a specified for reply vellen to see a specified for reply vellen the see a specified for reply vellen to see a specified for reply vellen the see a specified for reply vellen for replaced for reply vellen for replaced for reply vellen for replaced	Period fo	The MAILING DATE of this communication or Reply	appears on the cover she	et with the correspondence address			
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Paper No(s)/Mail Date 6) Other:	) Inform	iation Disclosure Statement(s) (PTO-1449 or PTO/SD/	Paper I 8) 5) Notice	vo(s)/wall Date of Informal Patent Application /PTO 452)			
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DL-326 (Rev. 1-04) Office Action Summary Part of Paper No /Mail Data 002804		4.04	Antion Communication	Part of Paner No /Mail Date 002804			

## **DETAILED ACTION**

## Election/Restrictions

1. Claims are generic to a plurality of disclosed patentably distinct species of multilayer structure. The election of an ultimate species of multilayer structures comprising a specific number of layers, wherein the composition of each layer is identified, is required for search purposes:

A/ polyethylene,

B/ ethylene vinyl alcohol,

C/ polyamide.

2. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, even though this requirement is traversed.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

- 3. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the

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currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thao T. Tran whose telephone number is 571-272-1080. The examiner can normally be reached on Monday-Friday, from 8:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 571-272-1078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <a href="http://pair-direct.uspto.gov">http://pair-direct.uspto.gov</a>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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September 28, 2004

Thao Tran

THAOT.TRAN PATENT EXAMINER